

Message Text

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE 3087

UNCLAS SANTIAGO 2979

E.O. 11652: N/A

TAGS: PFOR, CI

SUBJECT: EXTRADITION TREATY NEGOTIATIONS -- CHILE

FOR L--MALMBORG, JUSTICE--MARONEY, FORM GAITHER

REF: SANTIAGO 2944

1. NEGOTIATIONS ON EXTRADITION TREATY WITH CHILE COMPLETED. TEXTS IN ENGLISH AND SPANISH BEING PREPARED AND WILL BE REVIEWED AND INITIALED BY BOTH DELS TUESDAY A.M., APRIL 29.

2. GAITHER AND BLAKESLEY WILL PROCEED BUENOS AIRES ASAP AND ANTICIPATE RETURN TO WASHINGTON EARLIER THAN EXPECTED. MURPHY DEPARTING FOR WASHINGTON THIS P.M. PER TELCON WITH HIS OFFICE.

3. MURPHY HAS RESPONDED STATE'S 96303.

4. TEXTS OF FIRST PARA ARTICLE II AND ARTICLE III FOLLOW:

BEGIN QUOTE. IN ACCORDANCE WITH THIS TREATY, PERSONS WHO ARE INDICTED OR CONVICTED FOR ANY OF THE FOLLOWING ENUMERATED OFFENSES SHALL BE DELIVERED UP PROVIDED THAT THESE OFFENSES ARE PUNISHABLE BY THE LAWS OF BOTH CONTRACTING PARTIES BY DEPRIVATION OF LIBERTY FOR A PERIOD EXCEEDING ONE YEAR, REGARDLESS OF WHETHER THE PENALTY FOR THAT OFFENSE BE LESS THAN ONE YEAR AS MINIMUM OR EXCEEDS ONE YEAR AS A MAXIMUM. END QUOTE

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BEGIN QUOTE. EXTRADITION SHALL ALSO BE GRANTED FOR A CONSUMMATED OFFENSE AS WELL AS FOR AN ATTEMPT, CONSPIRACY, OR INSTIGATION TO COMMIT AN OFFENSE; EXTRADITION SHALL BE GRANTED FOR THE PRINCIPAL OFFENDER, ACCOMPLICES, OR ACCESSORIES TO THE OFFENSE; PROVIDED THAT THE APPLICABLE PENALTY IN EACH SPECIFIED CASE IS SUBJECT, UNDER THE LAWS OF BOTH CONTRACTING PARTIES, TO DEPRIVATIIN OF LIBERTY IN EXCESS OF ONE YEAR.

EXTRADITION SHALL BE GRANTED EVEN THOUGH THE DENOMINATION OF THE OFFENSE MAY DIFFER AS BETWEEN THE LAWS OF BOTH CONTRACTING PARTIES WITH THAT EXPRESSED IN THE ENUMERATION CONTAINED IN ARTICLE II.

IN ADDITION, EXTRADITION SHALL BE GRANTED WHEN THE OFFENSE FOR WHICH THE REQUEST IS MADE IS ANALOGOUS TO AN OFFENSE REFERRED TO IN THE LIST OF ARTICLE II.

THE FOREGOING OFFENSES SHALL ALSO BE EXTRADITABLE EVEN WHEN THE USE OF THE MAILS OR MEANS OF INTERSTATE COMMUNICATIOM OR TRANSPORT MAY BE REQUIRED FOR THE PURPOSE OF GRANTING JURISDICTION TO A FEDERAL TRIBUNAL OF THE UNITED STATES.

IN THE CASE IN WHICH A PERSON HAS ALREADY BEEN CONVICTED, EXTRADITION WILL BE GRANTED ONLY IF THE SENTENCE IMPOSED OR REMAINING TO BE SERVED IS A MINIMUM OF ONE YEAR OF IMPRISONMENT. END QUOTE.

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